

BILL LOCKYER, Attorney General  
of the State of California  
GLORIA A. BARRIOS, State Bar No. 93811  
Supervising Deputy Attorney General  
SUSAN MELTON WILSON, State Bar No. 106902  
Deputy Attorney General  
California Department of Justice  
300 So. Spring Street, Suite 1702  
Los Angeles, CA 90013  
Telephone: (213) 897-4942  
Facsimile: (213) 897-2804

Attorneys for Complainant

BEFORE THE  
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. OT2004-78

AIMEE LYNN MILLER  
1511 La Quinta Circle  
Upland, CA 91784

ACCUSATION

Occupational Therapist No. OT 3766

Respondent.

Complainant alleges:

PARTIES

1. Heather Martin (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Occupational Therapy (Board), Department of Consumer Affairs.

2. On or about November 29, 2002, the Board issued Occupational Therapist No. OT 3766 to Aimee Lynn Miller (Respondent). The Occupational Therapist was in full force and effect at all times relevant to the charges brought herein and will expire on July 31, 2007, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2570.28 states:

"The board may deny or discipline a licensee for any of the following:

"(a) Unprofessional conduct, including, but not limited to, the following:

....

"(d) Making or giving any false statement or information in connection with the application for issuance or renewal of a license.

"(e) Conviction of a crime or of any offense substantially related to the qualifications, functions, or duties of a licensee, in which event the record of the conviction shall be conclusive evidence thereof.

....

"(h) Committing any fraudulent, dishonest, or corrupt act that is substantially related to the qualifications, functions, or duties of a licensee."

5. Section 2570.29 states:

" In addition to other acts constituting unprofessional conduct within the meaning of this chapter, it is unprofessional conduct for a person licensed under this chapter to do any of the following:

"(a) Obtain or possess in violation of law, or prescribe, or, except as directed by a licensed physician and surgeon, dentist, optometrist, or podiatrist, to administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

"(b) Use to an extent or in a manner dangerous or injurious to himself or herself, to any other person, or to the public, or that impairs his or her ability to conduct with safety to the public the practice authorized by his or her license, of any of the following:

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"(3) Alcoholic beverages."

"(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof."

6. Section 2570.27 states:

"(a) The board may discipline a licensee by any or a combination of the following methods:

"(1) Placing the license on probation with terms and conditions.

"(2) Suspending the license and the right to practice occupational therapy for a period not to exceed one year.

"(3) Revoking the license.

"(4) Suspending or staying the disciplinary order, or portions of it, with or without conditions.

"(5) Taking other action as the board, in its discretion, deems proper.

"(b) The board may issue an initial license on probation, with specific terms and conditions, to any applicant who has violated any provision of this chapter or the regulations adopted pursuant to it, but who has met all other requirements for licensure."

7. Section 490 of the Code provides, in pertinent part, that the Board may suspend or revoke a license when it finds that the licensee has been convicted of a crime substantially related to the qualifications, functions or duties of a licensed occupational therapist.

8. Section 118, subdivision (b), of the Code provides that the suspension/expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

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1           9.       Section 125.3 of the Code provides, in pertinent part, that the Board may  
2 request the administrative law judge to direct a licensee found to have committed a violation or  
3 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
4 and enforcement of the case.

5           10.     CONTROLLED SUBSTANCE

6           “Methamphetamine,” is a Schedule II controlled substance as designated by  
7 Health and Safety Code section 11055(d)(2) and is categorized as a “dangerous drug” pursuant to  
8 Business and Professions Code section 4022.

9                     FIRST CAUSE FOR DISCIPLINE

10                    (Conviction of a Substantially Related Crime)

11           11.     Respondent’s license is subject to disciplinary action pursuant to section  
12 2570.28, subdivision (e) and 490 of the Code, in that Respondent has been convicted of a crime  
13 substantially related to the qualifications, functions or duties of a licensed occupational therapist,  
14 as follows:

15                    **DRIVING UNDER THE INFLUENCE (ALCOHOL) AND**  
16                    **POSSESSION OF METHAMPHETAMINE (2005)**

17           a.       On or about May 25, 2005, Respondent was convicted on a plea of nolo  
18 contendere of two criminal violations: 1) violating one count of Vehicle Code section 23152,  
19 subdivision (a), *a misdemeanor* (driving a vehicle with .08% or more alcohol); and 2) violating  
20 one count of Health and Safety Code section 11377, subdivision (a), *a misdemeanor* (possession  
21 of a controlled substance), in the Superior Court of California, County of Los Angeles, Metro  
22 Judicial District, Case No. 5MT03217 entitled *The People of the State of California v. Aimee*  
23 *Lynn Miller*.

24           b.       The circumstances surrounding the convictions are that on or about  
25 January 13, 2005, Respondent drove a vehicle while having .08% and more by weight, of  
26 alcohol in her blood. In addition, at that time and place, Respondent wilfully and unlawfully was  
27 in possession of a narcotic controlled substance, to wit: Methamphetamine.  
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1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
3 alleged, and that following the hearing, the Board issue a decision:

4 1. Revoking or suspending Occupational Therapist No. OT 3766, issued to  
5 Aimee Lynn Miller.

6 2. Ordering Aimee Lynn Miller to pay the Board the reasonable costs of the  
7 investigation and enforcement of this case, pursuant to Business and Professions Code section  
8 125.3.

9 3. Taking such other and further action as deemed necessary and proper.

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11 DATED: 11/21/06

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14 HEATHER MARTIN  
15 Executive Officer  
16 Board of Occupational Therapy  
17 State of California  
18 Complainant

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